IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR
S.B. CIVIL WRIT PETITION NO.7826/07
Ramkishan Vs. Board of Revenue & Ors.

Date of order : 28/11/2007.

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Shri Prakash Thakuriya for the petitioner.

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The petitioner has challenged the order dated 19.5.2007 whereby the learned Sub-Divisional Officer, Ramgarh, District Alwar has allowed the legal representatives of respondent no.3 to be taken on record by accepting the application filed under Order 22 Rule 3 & 9 read with Section 151 CPC and has also challenged the order dated 26.7.2007 whereby the revision petition filed by the petitioner was dismissed by the

Board of Revenue.

Learned counsel for the petitioner has argued that in the application prayer for condonation of delay was made for the period from 14.9.2005 to 22.12.2005 whereas the application was actually filed on 6.1.2006. There was no prayer for condonation of delay from 23.12.2005 till 6.1.2006. The learned Sub-Divisional Officer committed an error of law in condoning the delay for the aforesaid period for which no sufficient cause or explanation was given. The Board of Revenue has also erred in law in not appreciating this aspect.

Having heard the learned counsel for the petitioner and perused the material on record, I find that the

learned Sub-Divisional Officer in his order has noted the argument made by the learned counsel for the petitioner that when the respondents approached their advocate on 22.12.2005, they informed him about the death of the plaintiff. He asked that the legal representatives should come for preparation of the application. The legal representatives contacted him on 5.1.2006 which was a gazetted holiday, therefore, the application was filed on 6.1.2007. In the circumstances, therefore, it is clear that the explanation though that was on record but the application was prepared already on 22.12.2005. Therefore, even if a formal application was not filed, the learned Sub-Divisional Officer on

consideration of the aforesaid documents and the prayers made by the respondents allowed the legal representatives to be brought on record. The plea that has been raised by the petitioner is too technical to be accepted. The Sub-Divisional Officer and the Board of Revenue have not in my considered view committed any such error of law as may warrant interference by this Court.

The writ petition which lacks merits is dismissed.

(MOHAMMAD RAFIQ), J.

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